

FINDING AND RECOMMENDATION(S)

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Finding:

The newly adopted (February 14, 2007) California Lahontan Regional Water Quality Control Board (Lahontan RWQCB) requirement for submittal of an *Application for a Waiver of Discharge Application* under its Timber Waiver for projects using hand crews only creates additional project paperwork, additional time until project implementation, and restrictions that result in little if any environmental benefit. No other California Regional Water Quality Control Board regulates hand crew work. There have not been Lahontan RWQCB requirements regarding hand thinning duplicated under TRPA ordinance, the latter of which regulates all tree removal projects in the Tahoe Region, including hand crew projects. Moreover, there have not been scientifically demonstrated deleterious effects to the environment from use of hand crews within SEZs and steep slopes within the Tahoe Region.

Background and Supporting Evidence:

Hand crews currently are, and have been since the late 1980's, the primary method of fuel removal within the Tahoe Region, primarily due to Lahontan RWQCB and TRPA regulatory restrictions limiting the otherwise more common use of mechanized equipment. Hand crews conducted sanitation salvage tree removal and some live tree removal in Stream Environment Zones during this time, as well, under the verbal allowance of TRPA.

The California Tahoe Conservancy (CTC), as well as nearly all of the seven local Lake Tahoe fire departments, have resorted to hiring their own hand crews so as to have the availability, capability and efficiency necessary to conduct fuel reduction in their districts, despite the higher cost per acre and inability to meet all treatment goals.

The Lahontan RWQCB did not require an *Application for a Waiver of Discharge* for fuel reduction projects until 2003. After 2003, fuel reduction projects utilizing

mechanized equipment only required an *Application for a Waiver of Discharge* under the Lahontan RWQCB Timber Waiver. As of February 14, 2007, the Lahontan RWQCB requires an *Application for a Waiver of Discharge* under its Timber Waiver for fuel reduction projects involving hand crews. In light of the June 24, 2007 Angora Fire and the subsequent creation of the Bi-State Governor's Tahoe Fire Commission, the Lahontan RWQCB is currently considering amending its *Application for a Waiver of Discharge* requirements under its Timber Waiver for hand thinning not conducted within Stream Environment Zones (SEZ.s) or on steep slopes (over 30%) from Timber Waiver Category 1C to Timber Waiver Category 1A. However, the Lahontan RWQC staff is not considering amending its *Application for a Waiver of Discharge Permit* so as to place all hand thinning fuels reduction work, including that conducted in SEZ's and on steep slopes, into Timber Waiver Category 1A. Moreover, there has not been scientifically demonstrated deleterious affects to the environment from use of hand crews within SEZs and steep slopes within the Tahoe Region.

Recommendation:

Eliminate the Lahontan RWQCB requirement for an *Application for a Waiver of Discharge Permit* for all fuel reduction projects conducted by hand crews, including within SEZ's and steep slopes, as was done prior to February 14, 2007.

Impacts of Implementation:

REQUIRED analysis of impacts on the following factors:

- ☐ Cost - reduce costs to land managers by reducing paperwork requirements and expedites project implementation.
- ☐ Funding source – none
- ☐ Staffing – reduce land manager and Lahontan staff time spent processing paperwork.
- ☐ Existing regulations and/or laws - removes redundancy with TRPA regulation.

OPTIONAL analysis of impacts:

- ☐ Operational – none
- ☐ Social – none
- ☐ Political – positive political demonstration of streamlining by reducing regulatory permitting by a regulatory agency.
- ☐ Policy - none
- ☐ Health and Safety - reduces paperwork for fuel reduction projects that prevent catastrophic wildfires.
- ☐ Environmental – reduces paperwork for fuel reduction projects that prevent catastrophic wildfires.

- ☐ Interagency - reduces confusion by eliminating duplication between agencies.